

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

BENJAMIN W. WAGNER, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:12CV1901 AGF  
 )  
 CITY OF ST. LOUIS DEPARTMENT )  
 OF PUBLIC SAFETY, et al., )  
 )  
 Defendants. )

**MEMORANDUM AND ORDER**

This matter is before the Court upon its own motion. On March 8, 2013, the Court issued an order requiring plaintiff to provide it with addresses at which defendants Janice Fairless and Jazeall Brown could be served within thirty (30) days of the Court Order. Rule 4(m) of the Federal Rules of Civil Procedure states, “If a defendant is not served within 120 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant.” Plaintiff has failed to provide the Court with the addresses at which defendants Fairless and Brown may be served, and he has failed to serve these defendants within 120 days of the filing of his complaint. As a result, the Court will dismiss plaintiff’s allegations against defendants Fairless and Brown, without prejudice.

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's allegations against defendants Janice Fairless and Jazeall Brown are **DISMISSED** without prejudice.

Dated this 1st day of May, 2013.

*Audrey G. Fleissig*  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE